

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LONE STAR FUND IV (U.S.), L.P.,
LONE STAR FUND IV (BERMUDA), L.P.
and LSF-KEB HOLDINGS SCA,

Plaintiffs,

v.

STEVEN H. LEE,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO.
3:09-cv-01614-B

**APPENDIX IN SUPPORT OF PLAINTIFFS' RESPONSE
IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

TO THE HONORABLE COURT:

Plaintiffs file this Appendix in Support of their Response in Opposition to Defendant Steven H. Lee's ("Lee") Motion to Dismiss, containing the following:

EXHIBIT	DESCRIPTION	PAGE(S)
1	Declaration of Matthew W. Moran	App. 001-002
1A	Excerpt of National Comprehensive Report showing Lee's ownership of property in Texas	App. 003-008
1B	Report from Collin County Appraisal District	App.009-012
1C	Report from Dallas County Appraisal District	App.013-021
2	Declaration of Marjorie Harrigan	App. 022-026
2A	Email dated July 29, 2005, requesting Lee's bank account information	App. 027
2B	Email dated July 29, 2005, containing Lee's bank account information	App. 028
2C	Wire transaction data reflecting payments to Lee	App. 029-133
3	Declaration of Robert J. Corcoran	App. 134-139

EXHIBIT	DESCRIPTION	PAGE(S)
3A	Documentation regarding Lee's misappropriation of funds on or around December 30, 1998	App. 140-141
3B	Documentation regarding Lee's misappropriation of funds on or around August 16, 1999	App. 142-145
3C	Documentation regarding Lee's misappropriation of funds on or around October 18, 1999	App. 146-148
3D	Documentation regarding Lee's misappropriation of funds on or around January 21, 2000	App. 149-151
3E	Documentation regarding Lee's misappropriation of funds on or around January 28, 2000	App. 152-155
3F	Documentation regarding Lee's misappropriation of funds on or around February 28, 2000	App. 156-158
3G	Documentation regarding Lee's misappropriation of funds on or around August 1, 2000	App. 159-160
3H	Documentation regarding Lee's misappropriation of funds on or around August 2, 2000	App. 161-163
3I	Documentation regarding Lee's misappropriation of funds on or around October 28, 2004	App. 164-165
3J	Email correspondence regarding bonus payments (October 2004)	App. 166-168
3K	Email correspondence regarding bonus payments (December 2004)	App. 169-173
4	Declaration of Louis Paletta	App. 174-175
4A	Minutes of Lone Star Funds Advisory Committee Meeting, dated January 8, 2003	App. 176-187
4B	Minutes of Lone Star Funds Advisory Committee Meeting, dated June 8, 2004	App. 188-197
4C	Minutes of Lone Star Funds Advisory Committee Meeting, dated March 22, 2000	App. 198-204
4D	Minutes of Lone Star Funds Advisory Committee Meeting, dated September 21, 2000	App. 205-213

EXHIBIT	DESCRIPTION	PAGE(S)
4E	Minutes of Lone Star Funds Advisory Committee Meeting, dated October 11, 2001	App. 214-223
4F	Minutes of Lone Star Funds Advisory Committee Meeting, dated April 2, 2002	App. 224-229
4G	Minutes of Lone Star Funds Advisory Committee Meeting, dated September 26, 2002	App. 230-238
4H	Minutes of Lone Star Funds Advisory Committee Meeting, dated March 27, 2003	App. 239-251
4I	Minutes of Lone Star Funds Advisory Committee Meeting, dated September 23, 2003	App. 252-262
4J	Minutes of Lone Star Funds Advisory Committee Meeting, dated March 23, 2004	App. 263-273
5	Declaration of Steven Shearer	App. 274-275
6	Declaration of Corry Bell	App. 276-277
7	Declaration of Janis O'Bryan	App. 278-279
8	Second Declaration of Rhonda Daniels (November 16, 2009)	App. 280-283
8A	Email correspondence regarding J&A Investments Limited	App. 284-288
8B	March 6, 2002 certificate signed by Lee, affirming representations to Lone Star Partners IV, L.P.	App. 289-290
8C	January 13, 2003 certificate signed by Lee, affirming representations to Lone Star Partners IV, L.P.	App. 291-292
8D	April 18, 2005 certificate signed by Lee, affirming representations to Lone Star Partners IV, L.P.	App. 293-294
8E	June 6, 1999 certificate signed by Lee, affirming representations to Lone Star Partners II, L.P.	App. 295
8F	January 13, 2003 certificate signed by Lee, affirming representations to Lone Star Partners II, L.P.	App. 296-97
8G	April 18, 2005 certificate signed by Lee, affirming representations to Lone Star Partners II, L.P.	App. 298-299
8H	September 10, 2001 certificate signed by Lee, affirming representations to Lone Star Partners III, L.P.	App. 300

EXHIBIT	DESCRIPTION	PAGE(S)
8I	January 13, 2003 certificate signed by Lee, affirming representations to Lone Star Partners III, L.P.	App. 301-302
8J	April 18, 2005 certificate signed by Lee, affirming representations to Lone Star Partners III, L.P.	App. 303-304
8K	April 20, 2005 certificate signed by Lee, affirming representations to Lone Star Partners V, L.P.	App. 305-306
9	Declaration of Michael Thomson	App. 307-310
10	Second Declaration of Charles Christian Rolf Luthi (November 16, 2009)	App. 311-325
10A	Bermuda Supreme Court Act of 1905 § 15	App. 326-328
10B	<i>De Lasala v De Lasala</i> [1979] 2 All ER 1146	App. 329-341
10C	Dicey, Morris and Collins, 14 th ed., Vol. 1	App. 342-347
10D	Dicey and Morris, 12 th ed., Vol. 1	App. 348-351
10E	Order 15 Rule 6(2) of the Rules of the [Bermuda] Supreme Court 1985 (as amended in 2005)	App. 352-354
10F	Order 11 of the Rules of the [Bermuda] Supreme Court 1985 (as amended in 2005)	App. 355-363
10G	<i>Matthews v Kuwait Bechtel Corp.</i> 1958 2 QB 57	App. 364-377
10H	<i>Johnson v Taylor Bros & Co</i> 1920 A.C. 144	App. 378-396
10I	<i>Weinstock v Lazard Recovery Fund Limited</i> 2003 Court of Appeal for Bermuda Civil Appeal No. 20:2003	App. 397-414
10J	<i>Horni A Hutni Tezirstvo v Korner</i> [1951] A.C. 869	App. 415-439
10K	<i>Metall und Rohstoff v Donaldson Inc.</i> [1990] 1 QB 391	App. 440-538
10L	<i>Seaconsar Ltd v Bank Markazi</i> [1994] 1 AC 438	App. 539-560
10M	<i>The Eras EIL Actions</i> [1992] 1 Lloyds L.R. 571	App. 561-616
10N	Jackson and Powell <u>Professional Negligence</u> 5 th Edition	App. 617-619

Respectfully submitted,

/s/ Matthew W. Moran
Karen L. Hirschman
State Bar No. 09721500
Matthew W. Moran
State Bar No. 24002642
Jane Ann R. Neiswender
State Bar No. 24048312
VINSON & ELKINS L.L.P.
2001 Ross Avenue, Suite 3700
Dallas, Texas 75201-2975
Telephone: (214) 220-7700
Facsimile: (214) 220-7716

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on November 16, 2009, I caused to be served a copy of the foregoing document via the Electronic Case Filing system for the United States District Court for the Northern District of Texas on Jerome R. Doak and by first class U.S. Mail on George T. Manning.

/s/ Matthew W. Moran
Matthew W. Moran